

**TOWN OF EAST FISHKILL  
PLANNING BOARD MEETING  
MARCH 9, 2021**

John Eickman called the meeting to order.

***Members present:***

John Eickman, Lori Gee, John Cutler, Ed Myoshi, Christopher Tamulonis, Richard Campbell, Sarah Bledsoe; Michael Cunningham, Attorney; Michelle Robbins, Planner; Scott Bryant, Engineer; Brenden Fitzgerald, Traffic Consultant, Pete Setaro, Engineer; Staff: Jackie Keenan, Clerk; Julie Beyer, Meeting Secretary.

The meeting began with the Pledge of Allegiance.

**CHAIRPERSON COMMENTS**

Mr. Eickman stated that the upcoming meetings were Tuesday, March 30, Tuesday, April 20, and Tuesday, May 18, 2021.

**DISCUSSIONS:**

**#2021-001 Tucker Subdivision Stormville Rd (6557-02-627745)**

Applicant is applying to subdivide an existing 5.96 vacant parcel into four residential lots. The proposed lots will each have an area greater than 1 acre. There will be a single flag lot proposed in the northern end of the project site.

**Rich Rennia was present.**

Mr. Rennia stated they have made some minor modifications. Due to the snow cover they have not been able to do their soil testing for the Department of Health. They are expecting to have the surveyor stake out septic and driveways later this week. They did prepare a revised submission to

address as many of the CPL comments as they could. The major changes are looking at the area of disturbance. Roughly each lot has about a half an acre of disturbance. Overall, it is a little over 2 acres. With the final grading plans they will also be preparing a basic SWPPP.

Mr. Eickman asked if any board members or professionals have any comments or questions. There were none. He stated they need to set a Public Hearing for this project.

**MOTION made by Ed Miyoshi, seconded by Lori Gee, to schedule this application for a Public Hearing on March 30, 2021. Voted and carried unanimously.**

**CONSIDERATION OF DECISION:**

**#2019-019 Hopewell Senior Living, Joe's Mother's Road and Route 82 (6357-04-924400)**

Applicant has submitted for a Senior Independent Living Apartment project with 90 units, an existing dwelling to be converted to a community space, and associated site amenities. The site is located in the R-1 zone and the applicant is applying for a special use permit for Senior Apartment Living Complexes. Revised from 90 units to 84 units.

**Charlie Martabano, Phil Grealy, Don Petricola, and Kathleen Gallagher were present.**

Ms. Gallagher stated since the last time they were before the board they have made several changes as a response to comments from the Planning Board and from the Public Hearings that were held September 30, October 21, and December 8, 2020. The Public Hearing was closed on December 8 but in order to respond to specific issues raised, several items have been revised and reflected on the drawings. The drawings reflect a reduction in unit count from 90 units to 84

apartment units. That is a reduction of six units. That equates to an equivalent reduction in traffic volume, and increase in overall available parking on-site, and a reduction of the massing of the building, particularly on the west side. The architectural integrity remains intact but the massing has been reduced to account for the reduction of six units. In addition, the town has decided not to utilize the residential dwelling that is currently on site. The applicant will keep the residence as part of the project and instead it will be used as a caretaker's unit or for other Hopewell senior living needs. March 2<sup>nd</sup> was a meeting with the Fire Advisory Board in which several changes to the plans to increase fire safety were suggested. The applicant is happy to make those requested changes. Those changes will be reflected on a future amended plan. She stated she believes this addresses the outstanding items from the Town Planning Board as well as the public comments.

Ms. Gee asked for an explanation of their term "massing of the building". Ms. Gallagher stated it was a reduction in the profile of the building from three stories to two stories in that area. Ms. Gee asked if the eastern exit was still a right out only with no entrance. She asked if there was any need to make that accessible for emergency vehicles as an ingress. Ms. Gallagher stated those changes are not reflected on this drawing. They did have that conversation with the Fire Advisory Board and it was left that the applicant will have a mountable curbing on the west side of the driveway in order to allow access in and out from that area. They will also provide stabilized materials to the stabilized lawn, so it is not visible but will allow access for emergency vehicles.

Mr. Campbell asked if they knew at what point they would have plans that showed all of these changes. Ms. Gallagher stated within the next couple of weeks. Mr. Campbell asked if they were being premature in granting any approvals without having those plans to review first. Ms. Robbins stated she believed that could be made a condition of approval and it could be added to the resolution that the plans are to be revised to reflect from the Fire Advisory Board. Mr. Eickman stated that is condition number one in the resolution.

Mr. Campbell asked if all of the DOT corrections were back and if they had been made. Mr. Fitzgerald stated that the DOT did respond stating that they did not see the warrant for the sidewalk. Their traffic person was asked to inquire about the potential for a crosswalk at the main entrance, across Route 82. Mr. Fitzgerald stated his understanding is that the DOT will entertain that during their highway work permit process, not at this time. Mr. Campbell asked if there were any conditions requiring guardrails around the depression pond. Mr. Grealy stated they had a meeting with New York State DOT to accommodate the potential of a future sidewalk along the site frontage. The applicant is dedicating a strip of land to the State to accommodate both the widening of the road for the left-hand turn lane and sidewalk. There are some guardrails that need to be replaced along the applicant's side near the pond. The current plan is to grade that area appropriately so they would not have to install a guide rail. As part of the final DOT permit design, they will make that final determination. Mr. Miyoshi stated an earlier drawing did show a white fence across that area. Mr. Grealy stated that area will be maintained. It will be shifted back slightly due to the land dedication and the State does not want that in the right-of-way. Mr.

Campbell asked if the future sidewalk would become an expense of the Town. Mr. Grealy stated right now there are no current plans for sidewalks in the entire area. If that were to change in the future and DOT did a project to include sidewalks the applicant has set aside land for that. The sidewalk project would be done in that whole corridor and not just along this project so it would be a DOT project. Engineer Bryant stated he thought there was a sidewalk contribution. Mr. Martabano stated that if the Town does a sidewalk project the applicant has agreed to make a contribution. Engineer Bryant stated it there could potentially be right-of-way acquisition in advance of that and his understanding was that those funds from the developer could be used to make those acquisitions in advance of the actual sidewalk be constructed. Mr. Martabano stated he did not believe there was a specific allocation, but they have provided for making the contribution.

Engineer Bryant stated that CPL has reviewed the SWPPP and are satisfied with it for the most part. There may be some minor tweaks. They are working with Insight to finalize the pump station. He asked about the status of the water and wastewater authority with regard to the water agreement. Ms. Gallagher stated she did not know the status of that at this time but could look into it.

Engineer Bryant asked if they were taking out a Highway Work Permit for the left turn lane. Mr. Fitzgerald said yes. Engineer Bryant asked if the Town had to endorse a permit or if it was a standalone. Mr. Fitzgerald stated he believed if the application and plan is approved the permit

would be between the applicant and the DOT. Engineer Bryant asked if they bring in a third-party consultant for the inspection for the mainstream project and traffic. Mr. Fitzgerald stated there will be inspection requirements and they will have to identify someone to be responsible for that. He is unsure who that would be at this time. Mr. Grealy stated that typically the DOT will require consultant inspections, which Insight has done on other projects. They would likely be the inspector on this. He stated his firm also does it. As part of that permit, the Town and emergency services would be involved with the preconstruction meeting because there will be a Work Zone Traffic Control Plan. Part of that package would be a Maintenance and Protection Traffic Plan. They will be widening one side of the road at a time to keep the traveling open. They will spell out any hours of construction and lane closures and the Town will be privy to that and have input. Engineer Bryant asked if all of the proposed work falls within the DOT right-of-way or a portion of their parcel that they are dedicating to the DOT. Mr. Grealy said that was correct. Engineer Fitzgerald stated DOT will also assign a permit inspector to the project.

Mr. Eickman stated there was Negative Declaration.

The name of the action is Hopewell Senior living. The proposed action would result in the construction of 84 senior independent housing units and associated parking in a 9.57 acre parcel. The existing historic home on the parcel will be converted to a caretaker residence or Hopewell Senior Living community space. This is an unlisted SEQR action.

The following documentation was analyzed in making this negative declaration:

1. A full EAF
2. a Traffic Study
3. a Storm Water Prevention Pollution Plan

4. other documents

The environmental issues identified as prevalent include the following:

1. Land Use Zoning and Public Policy
2. natural resources
3. surface water and wetlands
4. storm water
5. transportation

The proposed action would not be expected to result in any significant adverse impacts.

Based on a review of 6NYCRR 617.7, there appear to be no other significant adverse environmental impacts.

**MOTION made by Lori Gee, seconded by Richard Campbell, to approve this Negative Declaration. Voted and carried unanimously.**

**RESOLUTION OF SPECIAL PERMIT, WETLAND PERMIT, EXCAVATION PERMIT  
AND SITE PLAN APPROVAL**

**NAME OF SITE PLAN: Hopewell Senior Living**

**NAME OF APPLICANT: Hopewell Village Greene, Inc.**

**LOCATION: 672 NYS Route 82, Hopewell Junction, NY**

**GRID NUMBER: 6357-04-924400**

Resolution Offered by Planning Board Member Richard Campbell

**WHEREAS,** the above referenced applicant applied to the Town of East Fishkill Planning Board for a Special Permit, Wetland Permit, Excavation Permit and Site Plan Approval to allow the development of a Senior Independent Living Apartment Complex per Section §194-

67.4 of the East Fishkill Zoning Code (Local Law No. 1 of 2020) on a 9.57 acre parcel located at 672 NYS Route 82; and,

**WHEREAS**, the proposed 3-story senior living apartment complex is proposed to consist of 84 senior living units, 150 parking spaces, stormwater management practices, and associated site amenities; and,

**WHEREAS**, the existing historic house on the property will remain and will be used for caretaker purposes or other Hopewell Senior Living Community needs and the applicant will maintain the outside of such house on a go forward basis; and,

**WHEREAS**, the applicant is including significant on-site recreational facilities for its residents including an on-site indoor swimming pool and spa; an on-site fitness center; an on-site movie theater room; and an on-site outdoor barbecue, patio, and picnic area; and,

**WHEREAS**, these on-site recreational facilities have been constructed to lessen the burden on Town-owned, public recreational facilities. The Board has conducted an evaluation of the present and anticipated future needs for park and recreational facilities in the Town based on projected population growth to which the particular site plan will contribute and has concluded that a proper case does not exist for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the Town and that the contribution/recreation fee to be paid by the applicant as provided for below is adequate for recreation fee purposes; and,

**WHEREAS**, the proposed project was approved by the Town's Architectural Review Council; and,



**WHEREAS**, the proposed project meets the conditions of the Senior Independent Living Apartment Complexes Special Permit §194-67.4 of the East Fishkill Zoning Code; and,

**WHEREAS**, the Planning Board held Public Hearings for the proposed project on September 30, 2020; October 21, 2020, and December 8, 2020 for consideration of the granting of a Special Permit per §194-67.4 of the East Fishkill Zoning Code and for Site Plan approval; and,

**WHEREAS**, the action is considered an unlisted action under SEQR; and,

**WHEREAS**, a negative declaration was adopted by the Planning Board on March 9, 2021 and the terms and conditions of such negative declaration are incorporated by reference herein;

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board approves the Special Permit, Wetland Permit, Excavation Permit and Site Plan for the Site Plan titled “Hopewell Senior Living” prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated 7/31/20 and last revised 1/27/21 (and to be further revised as provided for herein); with the following conditions:

1. The site plan shall be revised to reflect the following modifications that the applicant has agreed to make as a consequence of discussions had with the Fire Advisory Board at their meeting of March 2, 2021:
  - i. The addition of mountable curbs;
  - ii. Minor alteration to the right-only access drive;
  - iii. The addition of stabilized surfaces;
  - iv. Adjustments to the drop-off to bring the driveway closer to building entrance for better access;

- v. Increase size of water service line from 6 inches to 8 inches within the project site;
- 2. The site plan shall be revised to reflect site access as approved by the New York State Department of Transportation (NYSDOT);
- 3. Dedication of the pump station and force main to the Town. The details of the pump station and force main will be reviewed separately and a memo issued;
- 4. Granting of an easement to the Town to provide access to the pump station and the pump station area;
- 5. Extension of the water connection from Fishkill Road to project site inclusive of any appurtenances required by Dutchess County Wastewater Authority (DCWWA), Dutchess County Department of Behavioral and Community Health, and the Town Engineer. The applicant shall reimburse the Town \$29,459.80 for its costs to extend the water line beneath Fishkill Road;
- 6. The site plan shall be revised to show sewer easement area with metes and bounds;
- 7. The applicant shall donate land area along the frontage of the property acceptable to NYSDOT, that would accommodate required road improvements and set aside area for a future sidewalk within the Route 82 right of way;

8. The applicant shall provide a contribution in the amount of \$100,000 for the construction of a sidewalk, said sum to be payable one year after the issuance of the certificate of occupancy;
9. The applicant shall provide a Recreation fee in the amount of \$1,000 per unit (\$84,000.00).
10. An escrow in the amount of \$7,500 to be replenished as needed for an environmental monitor for the duration of on-site construction activities related to stormwater management, erosion control and threatened and endangered species.

**BE IT FURTHER RESOLVED**, that within five (5) business days of the adoption of this Resolution, the Chair or other duly authorized member of the Planning Board shall cause a copy of this Resolution to be filed with the Town Clerk and a copy sent to the Applicant/Owner.

The votes were as follows:

Resolution Seconded by Planning Board Member John Cutler

The votes were as follows:

Board Member Lori Gee	AYE
Board Member John Cutler	AYE
Board Member Ed Miyoshi	AYE
Board Member Sarah Bledsoe	Abstain
Board Member Christopher Tamulonis	Aye
Board Member Richard Campbell	Aye
Chairperson John Eickman	Aye

**AJOURNED PUBLIC HEARING:**

**#2020-035 Stone Ridge Commons, Route 52 and Palen Road (6356-04-731304/776321)**

Applicant is requesting approval to construct two 3-story multi-family apartment buildings with 51 units and associated parking in a B1-A zone.

**Richard O'Rourke, Kevin Lund, and Amy Bombardieri were present.**

Mr. O'Rourke stated there have been substantial changes that have been incorporated into the proposal based upon the comments received and impacts that have been identified.

**MOTION made by Ed Miyoshi, seconded by Lori Gee, to declare lead agency. Voted and carried unanimously.**

**MOTION made by John Cutler, seconded by Richard Campbell, to reopen this adjourned Public Hearing. Voted and carried unanimously.**

Mr. O'Rourke stated he will address each comment that was previously made and the mitigation steps that were a result of it.

Mr. O'Rourke stated that one of the first comments was in regard to storm water runoff and drainage. Mr. O'Rourke stated there is a dramatic change in runoff from existing conditions to what it will be a once developed. Storm water will be managed in three practices. There will be an infiltration basin on the north side of the parcel. There will be a piped network of proposed infiltration that will ultimately drain into an existing pond on the southwest corner of the parcel,

which is adjacent to the Central Hudson and railroad parcel. There is very minimal tree removal still to be done on site. Most of the vegetation has been removed previously. A plan has been submitted on November 16, 2020 which shows what that proposal is. There is a lot of brush that is being removed. Ms. Bombardieri stated it is overgrowth from being previously cleared and then being untouched for a number of years. There are no substantial trees being removed. Mr. O'Rourke stated the Town Engineer has requested updated soil tests and his understanding is that the soil tests have been updated and the SWPPP has been updated as a result.

There was a question raised about how long the construction will last and what the proposed construction hours are. Mr. O'Rourke stated it is anticipated that this will be an 18-month period of construction. The construction will occur in full accordance with the Town Code, which is that construction work will not be allowed between the hours of 9 PM and 7 AM Monday through Friday or before 8 AM or after 9 PM on Saturday or between the hours of 12:01 AM and 11:59 PM on any Sunday or recognized holiday. There has been a project sequence and Erosion Control Plan submitted.

Mr. O'Rourke stated that regarding the request for an environmental monitor or a community appointed liaison, he believes it is important to point out that Mr. Lund is a lifelong resident. He has committed to be as responsive as possible to any calls from any member of the community and particularly any of the neighbors. One of the conditions of construction being done properly is that there are also periodic inspections done by engineering staff of the Town or other

regulatory agencies. The applicant does feel that on a construction of this size the monitoring that occurs through the regulatory process will be sufficient, as it has been in the past.

There was a recommendation of a proposed sidewalk to John Jay High School. The developer, applicant, and engineering staff have worked and is collaborating with the Town as well as DOT to develop a sidewalk that meets or exceeds all of the required standards. The applicant is optimistic they will be able to develop an appropriate sidewalk.

Mr. O'Rourke stated that in regard to making sure that the applicant addresses potential traffic growth related to the development of iPark and the additional traffic that will be generated through the Amazon project, Mr. O'Rourke was on the development committee for the Amazon project so he is well aware of the mitigation measures that are being proposed. Auditorium Drive is going to be improved and dedicated as a road, which from Route 52 will proceed southbound and tie into South Drive and iPark Boulevard exiting on Lime Kiln Road. That traffic mitigation measure will obviously significantly ameliorate any traffic that is existing presently. There are ongoing discussions and plans for there to be a roundabout that will be constructed. Brandon Fitzgerald stated that the Town is working with developers, the state, and DOT to create a bypass from Route 52 to I 84. The concept is to develop a modern roundabout at the intersection of Auditorium Drive and Route 52. That will help mitigate traffic from a variety of sources, not just Stone Ridge. Mr. O'Rourke stated that with regard to the proposed development volumes, there is a table that was submitted, and it states the numbers as set forth based upon the documents that

are on file. With respect to the previously approved plan for this property, which was a bank driveway and medical office driveway there was anticipated peak hour traffic in the a.m. of 86 vehicles. The PM hour traffic would be approximately 134 vehicles. With the proposed 51-unit multifamily housing the driveway volumes are anticipated to be such that there will be a -68 number of traffic trips out of this property with this proposed housing development in contrast to what was previously proposed. Mr. Miyoshi asked if there would be more traffic when people are going to and from work. Mr. O'Rourke stated these are numbers generated by the Institute of Transportation Engineers Trip Generation Manual. Mr. Miyoshi stated that he does believe there will be more trips during the peak hours with people heading to work. Mr. Fitzgerald stated that the intensity of the development and the amount of total peak hour traffic generation is significantly less with residential use than for the office use. There might be some earlier traffic with the residential unit that you wouldn't see in a business use. He does believe it is a lot less than what was previously proposed with the businesses here.

Mr. O'Rourke stated that in regard to the location of the driveways on Palen Road, those road cuts in locations were previously approved by the County and State DOT based upon those higher traffic volumes.

Another comment was to confirm curbing at Palen Road entrance to prevent left-hand turns into the site and if they would be mountable curbs. Mr. O'Rourke stated the curbs are not mountable. The turning of fire trucks can be accommodated without the curb being mounted. The turning

movements are depicted on the plans that have been submitted to the Planning Board.

It was suggested that the current number of parking spaces would not be sufficient to accommodate the number of residents and visitors. The plan has been revised to show 105 total spaces proposed. Five of which are ADA accessible. Based upon code the minimum required spaces is 89. They have an additional 16 visitor parking overflow above that which is required. There was a question if additional parking could be provided on-site and Mr. O'Rourke stated there is room to land banked an additional seven spaces on the northwest parking area if it is deemed necessary to add.

There was a question regarding snow removal areas and if it was located on the plan. Mr. O'Rourke said yes. There is one off the entrance to Palen and one on the northwest parking area. The total area is 4,260 square feet and those proposed snow areas would not take up any of the parking spaces.

There was a comment regarding making a left turn from this site onto Palen road required crossing three lanes of traffic which is dangerous and asking if this could be restricted. Mr. O'Rourke stated the County has already approved the left-hand turning movements.

There was a question raised regarding the school district and potential student enrollments. Mr. O'Rourke stated they have correspondence from the Wappinger's Central School District



enrollment projections for 2017 through 2026. They have also included information from the study performed by Records University regarding proposed enrollments. Different sources and experts state there is destined to be a drop in enrollment that will be continuing for some time.

Objections were raised regarding using the Stone Ridge subdivision cul-de-sac as a bus stop location. Concerns were raised that parents would park in the cul-de-sac causing congestion and noise disturbance to the residents. They have now proposed a bus shelter at the end of the cul-de-sac on the property of the applicant. In addition to that there are additional parking spots in proximity to the bus shelter so that even in cold weather parents can have their children sit in their cars. It is the school district choosing that as the location for the bus stop.

Mr. O'Rourke stated that he has spoken with his partner who does work in terms of tax evaluation and analysis. When you are dealing with an apartment complex, the stated policy and procedure in terms of valuation is done based upon the occupancy and the projected rentals of the property. You must build into that a reasonable vacancy element. They do not anticipate there being a high vacancy in this building. After calculations the tax assessor makes the calculation based upon multiple factors and that is how the taxes are generated. As far as the number of children anticipated, they relied on expert analysis.

The recreation fees will be collected for the proposed project and is based upon the Town of East Fishkill's fee schedule. It will be a total of \$204,000.

There were questions regarding ownership and these agreements being not less than one-year leases. That is the intent of the owner of the property and the builder of these apartments.

There were several comments regarding individual owners caring more about their space than renters and there were several comments from current residents regarding making the project condominiums instead of rentals, then it would be better. The applicant has considered condominiums rather than rentals. He made a business decision, which he is entitled to make, and he believes that this is the project he wants that meets his development objectives.

The question was raised regarding this proposed project allowing Section 8 housing. Mr. O'Rourke stated there is no way subsidize housing vouchers are going to cover the rent on these units. He stated the proposed project could not guarantee that section 8 housing be prohibited. As a matter of law, you cannot do that. They do feel that because of the way this is being built, and the quality of construction, he cannot anticipate Section 8 ever happening.

They were asked for landscaping from the Stone Ridge Subdivision and Route 52 showing when installed and a view that was several years out from install. The developer has committed to increasing the size of the trees and plants and obviously is going to use very thorough screening. Ms. Bombardieri stated they show a very tightly planted berm of arborvitae along the northern property line. They will be 14 feet high at the time of planting. The Green Giant is known to

grow three to five feet per year. It will be bermed up to increase the elevation of the plantings, which will be installed on the berm. That will provide line of sight obstruction from the home to the north of the buildings. It will also provide noise reduction from Route 52 and from the parking area for Stone Ridge Commons.

Mr. O'Rourke stated there was a question regarding allowing dogs at the apartment complex. He stated dogs and cats will be allowed for an additional fee. There will probably be a restriction regarding the size or the poundage of an animal. There are sidewalks throughout the site and there will be a pet addendum to the leases.

There was a question asking if the Town can restrict parking on the cul-de-sac. Mr. O'Rourke stated they have to defer to the town on that. They do not have the authority to do anything like that. They do feel because of the mitigation measures that they are employing, they don't see how or why there would be anyone driving around to get to the cul-de-sac from inside the complex. He stated this is not a true thoroughfare. It is gated and there is no intention to make it a thoroughfare.

There was a question asking how the construction would affect property values of the neighboring properties. Mr. O'Rourke stated they have provided to the Town the report that was prepared by the Urban Land Institute. There was an analysis done that addressed the issue of property valuation. The title is "Higher Density Development: Myth and Fact". An overview of

the report stated that higher density housing does not increase the amount of students going to school, or lower property values in surrounding areas. It states that higher density developments generate less traffic than lower density developments per unit. It states the crime rate is not significantly different in a higher density development than that in a lower density development. The statistic in Dutchess County is that with respect to those age 55 and over as a percentage of the total county population in Dutchess County it is anticipated by 2035 population will be at 37%. Many people downsize as they get older but want to live nearby because of family.

One proposed question was if restrictions could be implemented on the terraces and balconies to prevent unsightly items being stored and displayed. Mr. O'Rourke stated restrictions will be stipulated in the lease and tenants will be subject to fines if violations occurred.

The question was asked about why the project has changed so much from the previously approved project. Mr. O'Rourke stated the zoning was adopted by the town and this is a use that is permitted as of right and also by special permit if the standards are met. This is not a legislative change and the applicant is not looking for any zoning amendments.

Mr. O'Rourke stated that the Wappinger's Central School District responses are stating that they are anticipating a steady decrease in the entire period from 2018 through 2027.

Mr. O'Rourke stated these new changes truly incorporate the elements that mitigate the impacts

that were brought up.

Mr. Eickman asked if any of the board members or Town Professionals had any questions or comments.

Mr. Campbell asked how the refuse was going to be managed. Ms. Bombardieri stated they were two refuse enclosure areas. One is by Building 2 and one is close to Building 1.

Mr. O'Rourke stated that in regard to the requirements of the B1A district dimensional requirements, this application is in total compliance and in many areas exceeds the setback requirements.

Ms. Gee asked about the landscape that was shown blocking the sight from the existing home. She asked if it was existing landscape or something that was going to be installed or if it was on another property owner's lot. Ms. Bombardieri stated it is not on the adjacent property lot. It is near the property line but not on the property line. The reason it is that close is because they are trying to berm it up to raise the grade. She stated they could also stagger the trees. Ms. Gee asked where the trees above the pond were located. Ms. Bombardieri stated those are off-site currently existing. Ms. Gee asked if there was an as installed version of the trees and landscape. Ms. Bombardieri stated they would be 14 feet high when they are planted. Mr. O'Rourke stated they will also be planted on the berm which will elevate them further. Ms. Gee asked if there was a

sideline from the other house or if it was protected by the existing trees. Ms. Bombardieri stated the other house is substantially higher in elevation in the development. There is also a fair amount of trees in between. They are deciduous but nothing is being disturbed between the house and the property line. Ms. Gee asked if there should be an arborvitae line across that as those trees are deciduous. Ms. Bombardieri stated the house could be as much as 30 feet higher than where they are located. Mr. Campbell stated there is a substantial grade change where the house is located. Mr. O'Rourke stated they could look at possibly staggering the trees for more coverage. They do have to deal with the berm there as well. Ms. Gee asked Ms. Robbins if there was any standard clause if the foliage dies off, is there a replacement expectation. Ms. Robbins said there has been one on previous applications.

Ms. Gee stated in the previous applications there was a condition that the buildings needed to be similar in appearance to the buildings in the neighborhood. She stated this apartment building has a very modern view and is very different from the homes behind it. She asked if there was any consideration given to updating that façade to look a little bit more residential on the backside which faces those residents. Mr. O'Rourke stated he did not know the answer to the question. Ms. Bombardieri stated they already have Architectural Review Board approval. She stated that because of the reception by the ARB she does not believe there was any consideration given to changing the façade. Ms. Gee stated that this plan does appear to have more screening. Ms. Bombardieri stated they did provide screening on the balconies as that was a comment from one of the neighbors.

Mr. O'Rourke stated it is his understanding that DOT has already looked at the timing and sequencing of the lighting on Route 52 because of the existing traffic conditions. That has contributed to a mitigation of existing traffic issues. That combined with the improvements that will incur with the dedication of Auditorium Drive and the roundabouts should mitigate considerably the traffic issues. Ms. Gee asked if the traffic circle was removing the light at the school. Mr. Fitzgerald stated no. The idea is to reduce some of the through traffic between Route 52 and I 84. The DOT did commit to working on the timing of that light to make it better. Right now traffic is somewhat reduced there anyway. The developer has committed to extending a left turn lane into the school to meet up with their proposed shorter left turn lane into their sites from Route 52.

Mr. Cunningham asked if there was a solid yellow line on Palen Road where traffic would be making a left turn. He asked if that would be an illegal turn. Mr. Fitzgerald stated it is not an issue with a driveway. It will be a permitted turn. The County did not ask for any additional pavement markings. They have acknowledged their willingness to permit this access on to Palen Road. Mr. Fitzgerald stated they are looking to get some improved lighting at these entrances. They will be utilized during non-daylight hours and traffic on Palen Road and Route 82 is significant enough to request the applicant to modify their lighting plan to increase the intensity into the site as well as the crosswalk into their driveway and crosswalks internal on their site. Mr. O'Rourke stated they will work on that.

Ms. Gee asked if the timing of the light would mitigate the backup at the school. Mr. Fitzgerald stated that the 7:30 AM hour is very heavy traffic. The light does not seem to be timed properly to move traffic in and out properly. There is also an operational issue within the school to move traffic. There are probably 200 cars that come to drop-off in approximately a 20 min. time frame. They are in discussion with the school to look at different drop off locations. Mr. Cunningham asked if there were any traffic safety officers at the school. Mr. Fitzgerald stated he is unsure. Ms. Bombardieri stated the Supervisor has said they will provide an officer during drop-off if there is one available. Mr. Campbell asked if DOT's review of the lights was taking this application into consideration and Mr. Fitzgerald stated it was because of this application. They did not believe that the amount traffic from this project contributes to a detriment to the traffic that is already out there but there has already been identified problems. Mr. Myoshi asked if there were traffic backups onto Palen Road. Mr. Fitzgerald said there were some, but not significant, when they did counts pre-Covid. Mr. Miyoshi stated his main concern is how people are going to make a left out of this development. Mr. Fitzgerald stated it is a duration thing and with the additional development in that area they are all committed to creating long-term solutions for this. Engineer Bryant stated all of the developers in this area are committed to making their fair share contributions to these mitigation improvements. It is their intent to have the roundabouts and bypass road opened in 18 to 24 months by the time the Red Tail Project is ready for its Certificate of Occupancy. There may be problematic traffic in the beginning, but he does believe it will be short-lived.



Mr. Eickman stated the board is in receipt of a letter from Stephen Honan, who is an attorney representing several of the homeowners in the development behind this. That letter will be made part of the official file.

Mr. Eickman asked if there was anyone from the public who wanted to speak for or against this application.

Stephen Honan stated he represents several of the residents on Round Hill Road, which is adjacent to this project. He stated he does not feel anyone gets the full impact this development will have on the residence of Round Hill. He stated that the plan the Board is looking at does not show any of the improvements on the Round Hill Road. He does believe a vicinity map should be provided with topographical lines with all the improvements including driveways and patios on the adjacent properties. There will be a parking lot constructed right adjacent to number 13 Round Hill Road. He does not feel a berm can be built in the small area that is proposed for it. He also feels it will look like a high wall of building walls along the Route 52 corridor, which he believes will be an eyesore. He stated that the building on the west is significantly higher than the grade of Route 52. He believes there should be a topographical rendering of what the elevations will look like from the roadway. He does believe in order for the board to properly evaluate the impacts, there will have to be additional submissions by this applicant to show that this application is not going to impact upon his clients exceedingly. He does not feel that the

Special Permit criteria have been met by this applicant.

Ron Iarossi stated he lives at the corner of Route 82 and Palen Road. He anticipates never being able to get out of his driveway again with all of these new projects. He understands everything is being done by the book but he feels they need to sit and watch the amount of traffic that goes through Palen Road. He feels this building has a warehouse/prison feel to it.

Mr. Eickman asked if it was possible for the applicant to satisfy Mr. Honan's request for additional depictions of the project. Ms. Bombardieri stated they can do that. She wanted to point out this is an as of right development. They are not asking for anything that would require a zoning variance. Mr. O'Rourke stated they have met or exceeded all the requirements in terms of the Town Code. Beauty is in the eye of the beholder as far as architectural style goes. If the Planning Board would like the applicant to supply visual analysis from further up Round Hill Road. They can also look at the elevations from Route 52. They have tried to be as responsive as possible in terms of screening.

Mr. Eickman asked the board if they would like the applicant come back with additional screening and topo's and sight lines. Ms. Gee said yes. She also asked if there was anything else in the letter from the attorney that needs to be addressed or have additional information supplied. Mr. Eickman stated they can show that letter to the applicant's representatives to make sure everything is addressed. Ms. Gee asked if there was any way to mark the height of the buildings

on site if they were to do a site visit. Ms. Robbins stated it was possible. She has not seen it done for a building. That is something they normally do for a cell tower. It is a three-story building. Ms. Bombardieri stated they could show a rendering from both sides which would give them a feel for the elevations. Ms. Gee stated if the picture was drawn from further back to get a better appreciation of the scale and surrounding area. Mr. Campbell stated the grade on the right side goes up tremendously. Ms. Bombardieri stated there is approximately 35 feet height increase to the ground level of the house to the west. The top of the first building is approximately at the height of the foundation of that home. Mr. O'Rourke stated they want to be as responsive as possible and will provide the view shed from further up Round Hill Road. He was hoping to close the Public Hearing tonight and still supply them with the views that have been requested. He does not believe they can shrink the size of the building. Ms. Gee stated they are not asking for a change in the building, just for landscaping plans to see what the sheltered views would look like from Round Hill Road.

Patrick Rougey lives at 30 Round Hill Rd. He stated he has direct line of sight with no tree coverage. He lives three houses down on the Palen Road side. His view is direct through the cul-de-sac to one of the buildings. He is concerned about all of the lights, headlights, and lampposts being invisible from his master bedroom window. He would love it if there would be some kind of mitigation for that. Ms. Bombardieri stated she would definitely look at that and asked if she could e-mail him to discuss it with him. She did supply him with her e-mail address. Mr. Campbell asked if Ms. Gee was looking for the rendering with the proposed plantings and Ms.

Gee said yes.

Mr. Koch stated if they close the Public Hearing they cannot receive more information from the applicant because the public cannot speak for or against it. Mr. Eickman stated his intention is to adjourn the public hearing so they can review any additional information from Ms. Bombardieri.

**MOTION made by Lori Gee, seconded by Richard Campbell, to adjourn this Public Hearing to March 30, 2021. Voted and carried unanimously.**

**CORRESPONDENCE:**

Morrow Crain Letter Dated March 3, 2021 – Status Report

**ADJOURNMENT**

**MOTION made by Lori Gee, seconded by Richard Campbell, to adjourn the Planning Board meeting. Voted and carried unanimously.**

Respectfully submitted:

\_\_\_\_\_,  
Julie J. Beyer, Meeting Secretary  
East Fishkill Planning Board